INTERIM REPORT
to the
HOUSE OF ASSEMBLY
of the
SPECIAL COMMITTEE
ON
RULES AND PROCEDURES
of the
HOUSE OF ASSEMBLY

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Special Committee

The Special Committee on Assembly Matters was established by the House of Assembly by Resolution on April 19, 1985, and continued on the 14th day of March, 1986. The members of the Committee are:

The Honourable Arthur R. Donahoe, Q.C., Chairman
The Honourable Roland J. Thornhill
The Honourable Ronald S. Russell
Donald Cameron, M.L.A.
Dr. R. Colin D. Stewart, M.L.A.
Mrs. Cora Etter, M.L.A.
Mr. Neil LeBlanc, M.L.A.
Mr. Vincent J. MacLean, M.L.A.
Dr. J. William Gillis, M.L.A.
Mrs. Alexa McDonough, M.L.A.

The Honourable Arthur R. Donahoe, Q.C. was appointed Chairman of the Committee. Dr. Henry F. Muggah, Q.C., Retired Chief Clerk of the House and Graham D. Walker, Q.C., Chief Legislative Counsel, were appointed Secretaries to the Committee. Mr. Rod MacArthur, Chief Clerk of the House, also assisted in its work.

Terms of Reference

The terms of reference of the Special Committee are more particularly set forth in the Resolution passed by the House. A copy of that Resolution is attached hereto and marked Appendix "A". In short, the Special Committee was directed to study the Rules and Forms of Procedure of the House of Assembly, its committee structure, the role of the Private Member in the House and the administration and management of the House of Assembly.

Meetings

The Committee has met on the following dates:

May 15, 1985
July 2, 1985
September 18, 1985
October 23, 1985
April 8, 1986
April 15, 1986
April 22, 1986
April 29, 1986
May 6, 1986
May 12, 1986
May 15, 1986
October 21, 1986
December 10, 1986
January 21, 1987
March 3, 1987.

Interim Report

On May 16, 1986, the Special Committee presented a Report to the Legislature which sets forth the Committee's approach to the reform of the rules and procedures of the House and deals with the Legislative Internship Programme and television coverage in the House. Since its interim report was tabled the Committee recommended in favour of the continuation of the Legislative Internship Programme. Your Committee proposes to give further consideration to the question of television coverage in the House.

Procedures and Powers of Discipline of the Legislature with Respect to Members

As a result of the conviction of a member of the House of a criminal offence, the Committee requested the Chairman to report to it concerning the power of the Legislature to discipline its members, requesting in particular, a report as to the practice and procedure in other legislatures in Canada and the Parliament of Canada to discipline members, the past practice in the House of Assembly of Nova Scotia and the authority of the House to set conditions for membership in the House. Before the Speaker was able to respond fully to these matters, the Government introduced legislation into the House of Assembly expelling the member in question and setting standards for future candidates for election to the Legislature. This Legislation was challenged by the expelled member and the Chief Justice of the Trial Division of the Supreme Court of Nova Scotia determined that the Nova Scotia House of Assembly has the authority to discipline its own members and to expel them from the House for cause. The Chief Justice further determined that the portion of the legislation restricting the right of certain persons to stand for election was unconstitutional. The Committee has requested a report from the Chief Legislative Counsel with respect to this matter, which will be addressed further when the report, now being prepared, is received.

Committee System

In its Report to this House in March of 1983, and in a further Report of May, 1986, your Committee recommended certain changes to the Rules. These included a new procedure respecting the Estimates, a recommendation that the Chairman of the Public Accounts Committee be chosen from an Opposition Member on that Committee and a reconstitution of the Legislature Internal Economy Board providing for representation from the Caucus of each recognized party. This House has, by resolution, adopted these changes.

The elimination of payment of fees to Members for service on House committees was recommended earlier by the Committee and has now been accomplished. In addition, the Committee believes that reform of the committee structure of the House is called for and that recommending appropriate changes is one of the most important parts of its mandate.

One of the individuals participating in the Legislative Internship Programme, Mr. David Black, during the 1986 Session, prepared as part of the academic requirements of the Programme, a paper entitled "The Committee System in the Nova Scotia Legislature: Problems, Potential and Possibilities for

Reform". This paper was used as the base for the Special Committee's study of the committee system. As a result of that study, the Special Committee recommends certain changes with respect to the committee structure of the House and that the Rules and Forms of Procedure of the House of Assembly be further amended. The proposed amendments to the Rules and Forms of Procedure are more particularly set forth in Appendix "B" to this Report.

The Committee is of the view that

(a) each committee of the House should report to the House annually and that should the House not be sitting at a time when a committee wishes to report, it may table its report with the Chief Clerk;

(b) the committees of the House should be encouraged to meet for the conduct of business at times when the House is not sitting;

(c) where possible, a transcript of the proceedings of committees should be made and, in the absence of such transcript, minutes of each meeting should be kept to provide a written record of the business conducted by the committees.

Some progress has been made with respect to staffing committees and providing them with secretarial assistance. During the current Session one of the Legislative Interns has been assigned to assist the committees by providing research and administrative staff support. It is hoped that the Intern's work will result in a realistic proposal for meeting future research and staffing requirements for committees.

The Committee is of the view that a Committees Branch in the Office of the Clerk is desirable, but before making a final recommendation in this regard wishes to assess the experience to be gained from the operation of the revised committee structure recommended in this Report over the course of the current Session. The Committee has not yet finalized its review of the committee structure and will deal with further proposals respecting the committee system in a future report.

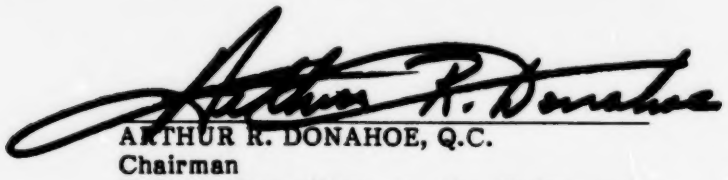
Other Matters

Some members of the Committee are of the view that the Legislature should meet in both Spring and Fall sessions, with fixed opening and closing dates. The Committee has not reached a conclusion regarding the advisability of this proposal, but will be considering the suggestion at future meetings.

Some members of the Committee are of the view that there should be a Justice Committee to review those matters that come within the purview of the Attorney General and the Attorney General's Department, as well as matters relating to the Constitution and affecting linguistic and ethnic minorities, the disabled and matters affecting the status of women. Other members have

suggested that these matters should be considered by the Law Amendments Committee. The Committee will give this situation further consideration.

All of which is respectfully submitted,



ARTHUR R. DONAHOE, Q.C.
Chairman
Special Committee on the Rules and Forms of Procedure of the House of Assembly

APPENDIX "A"

BE IT RESOLVED THAT:

(a) This House declare pursuant to the House of Assembly Act that a Special Committee be established to examine the rules, procedures, practices, organization and facilities of the House of Assembly and the provisions for support services and facilities for the Members and that such examination include but not be limited to the following matters:

(i) the Rules and Forms of Procedure of the House of Assembly adopted by the House on May 26, 1980 and amended by the House on March 6, 1981, March 25, 1983 and March 22, 1984;

(ii) the procedures and powers of committees of the House of Assembly, the role and use of such committees and the method of payment for service on such committees;

(iii) the role of the Private Member in the House of Assembly;

(iv) implementation of Resolution 131, respecting a legislative internship program, adopted unanimously by the House of Assembly on the thirty-first day of May, 1983;

(v) the legislative process;

(vi) television coverage of the proceedings of the House of Assembly and its committees; and

(vii) the administration and management of the House of Assembly;

FURTHER BE IT RESOLVED THAT:

(b) the Special Committee report to this House from time to time concerning its program and recommendations concerning the matters referred to it;

(c) notwithstanding the usual practices of this House, if the House is not sitting when an interim or final report of the Committee is completed that the Committee report its findings by depositing its report with the Clerk of the House and it shall thereupon be deemed to have been laid upon the Table;

(d) the Committee be authorized to include in interim or final reports drafts of proposed permanent or temporary changes in the Rules and Forms of Procedure of the House of Assembly drawn to give effect, if concurred in by the House, to any permanent or temporary change or changes proposed by the Committee;

(e) the Committee be authorized to include in its interim or final reports recommendations as to the implementation of any reforms proposed in the reports of the Committee;

(f) the House declare, pursuant to the House of Assembly Act, that the Special Committee be composed of the Honourable Arthur R. Donahoe, Q.C. and such Members as the Striking Committee shall determine not to exceed a further nine in number, six of whom shall be Members of the Government party, two of whom shall be Members of the Official Opposition and one of whom shall be a Member of any recognized party in the House, with the Honourable Arthur R. Donahoe, Q.C. as Chairman of the Special Committee;

(g) this House declare pursuant to Section 37A of the House of Assembly Act that the Special Committee be authorized to continue its inquiry after the House is prorogued;

(h) notwithstanding the House of Assembly Act or any Rules of the House, the Special Committee of the House be empowered to examine and inquire into all such matters and things as may be referred to the Committee by this House and from time to time report to this House the observations and opinions of the Committee respecting matters and things referred to the Committee and the Committee be further empowered to send for and examine witnesses, papers and records, and to extend to any witness the protection of this House;

(i) the Special Committee be empowered to meet outside of the Province touching on matters pertaining to its study, review and recommendation;

(j) all the powers and privileges under the House of Assembly Act and amendments thereto and the Rules of the House applicable to Standing and Select Committees while the House is in Session shall apply and be of full force and effect during the sittings of the Special Committee;

(k) this House do authorize the Legislature Internal Economy Board on behalf of the Special Committee to employ such members and staff as may be necessary to enable the Special Committee to carry out its duties; and,

(l) this House declare that the Legislature Internal Economy Board be authorized to provide the Special Committee, its members and staff with such facilities and funds as are required to carry out their duties and as are provided for by and pursuant to Section 50 of the Public Service Act.

APPENDIX "B"

The Special Committee recommends that the Rules and Forms of Procedure of the House of Assembly (references to pages and lines of the Rules are to Rules as printed by the Queen's Printer in 1987) be amended in the manner set out below and that these changes apply to the 3rd Session, 54th General Assembly and subsequent Sessions until changed:

(1) Rule 3 is amended by renumbering paragraphs (3) and (4) thereof as paragraphs (6) and (7) and by adding immediately following paragraph (2) thereof the following paragraphs:

(3) The House shall not meet on New Year's Day, Good Friday, Easter Sunday, Easter Monday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, a Saturday or a Sunday, and the week during the month of March in each year customarily observed by the schools at the seat of the Legislature as the "March Break" in accordance with a determination made by the Minister of Education .

(4) Where the House stands adjourned for a period of ten sitting days or more, notice of the commencement of the House thereafter shall be given by the Speaker to the Members by ordinary post mailed at least thirty days prior to such commencement mailed to the address on file at the Office of the Speaker for that Member.

(5) Notwithstanding paragraph (4), wherever the House stands adjourned for a period of ten sitting days or more, if the Speaker is satisfied, after consultation with the Government, that the public interest requires that the House shall meet at an earlier time, the Speaker may give notice that being so satisfied the House shall meet, and thereupon the House shall meet to transact its business as if it had been duly adjourned to that time and in the event of the Speaker being unable to act owing to illness or other cause, the Deputy Speaker, or, failing the Deputy Speaker, the Chairman of the Law Amendments Committee shall act in the Speaker's stead for these purposes.

(2) Rule 32, paragraph (1) is amended by adding immediately following the word "address" in the third line thereof the words and punctuation ", for an order of the House".

(3) Rule 32, paragraph (2) is amended by adding immediately following the last word thereof the words and punctuation ", nor may a Member give orally in the House at any time a notice of motion for an order of the House".

(4) Rule 60, paragraphs (1) and (2) are repealed and the following paragraphs substituted therefor:

(1) At the commencement of each session, a Special Committee, consisting of five Members, shall be appointed, whose duty it shall be to prepare and report with all convenient speed, listings of Members to compose the Standing Committees of the House for the following purposes:

1. Internal Affairs;
2. Law Amendments;
3. Private and Local Bills;
4. Public Accounts;
5. Economic Development;
6. Human Resources;
7. Community Services;
8. Resources;
9. Veterans Affairs.

(2) For greater certainty:

(a) the Internal Affairs Committee is established for the purpose of considering rules, privileges, procedures, matters relative to the Legislative Library and Members' amenities and like matters;

(b) the Economic Development Committee is established for the purpose of considering matters normally assigned to or within the purview of the Ministers and Departments of Development, Mines and Energy, and Transportation;

(c) the Human Resources Committee is established for the purpose of considering matters normally assigned to or within the purview of the Ministers and Departments of Labour, Education, and Vocational and Technical Training, and matters relating to the status of women;

(d) the Community Services Committee is established for the purpose of considering matters normally assigned to or within the purview of the Ministers and Departments of Health, Social Services, Housing, Consumer Affairs, and Municipal Affairs, and matters relating to the Human Rights Commission;

(e) the Resources Committee is established for the purpose of considering matters normally assigned to or within the purview of the Ministers and Departments of Agriculture, Fisheries, Tourism, Lands and Forests, and Environment.

(5) Rule 60, paragraph (5) is repealed and the following paragraph substituted therefor:

(5) No Standing Committee of the House shall consist of more than nine Members.

(5A) With the exception of the Attorney General, who shall serve as Chairman of the Law Amendments Committee, no Minister

shall be appointed to a Standing Committee established for the purpose of considering matters normally assigned to or within the purview of that Minister or that Minister's Department.